

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-12 are currently pending. No claim amendments are presented, thus, no new matter is added.

In the outstanding Office Action, the IDS was objected to; Claims 1 and 6-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa et al. (U.S. Pub. No. 2003/0154187, hereafter “Hayakawa”) in view of Chen (U.S. Pub. No. 2005/0177543, hereafter “Chen”); Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa in view of Chen and Anderson (U.S. Patent No. 6,298,401); Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa in view of Chen and Gautam et al. (U.S. Patent No. 5,956,704, hereafter “Gautam”).

Applicants note that the Examiner still did not consider the foreign reference AO (JP 2000-330836) listed in the PTO-1449 form of the Information Disclosure Statement (IDS) filed on May 9, 2006.

As stated in MPEP §609.04(a)(II):

Translations are not required to be filed unless they have been reduced to writing and are actually translations of what is contained in the non-English language information. **If no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners conducting searches.** (Emphasis added).

MPEP 609.04(a)(III) further states:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can

be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

The examiner indicated that "references cited in the Search Report have not been considered." The examiner also indicates that "for each PCT listed in the IDS, Applicant must provide a corresponding Patent Application No. in order for the IDS references listed to be considered." (See Office Action, at page 4). However, it is not clear if these statements are actually addressing JP 2000-330836, which meets all the requirements to be properly considered. A copy of JP 2000-330836 was submitted to the USPTO on May 9, 2006, as evidenced by the USPTO PAIR system. Applicants further submit that a concise statement of the relevance was included by submission of the International Search Report for related International Application No. PCT/JP2004/009891, filed with the current application on February 9, 2006. Accordingly, it is respectfully submitted that reference JP 2000-330836 must be considered by the examiner to whatever extent is possible.

With respect to the rejection of Claims 1-12 under 35 U.S.C. §103(a), Applicants submit herewith a certified translation of Applicants' priority application, JP Application No. 2003-332565, to perfect the Applicants' priority date of **September 24, 2003**. Applicants further submit that the certified translation fully supports the claimed subject matter. Applicants' note that Chen's filing date is **February 10, 2004**. Therefore, with the Applicants' priority date perfected, Applicants submit that Chen is no longer valid prior art under 35 U.S.C. §103(a).

Therefore, Applicants' submit that the outstanding final rejections to Claims 1-12 are improper in view of the present submission and must be withdrawn.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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